

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:	Case No.: 23-00484-tjc11
BDC GROUP INC.,	Chapter 11
Debtor and Debtor in Possession	CREDITOR ZAYO GROUP'S MOTION FOR EXPEDITED HEARING ON MOTION FOR RELIEF FROM AUTOMATIC STAY TO TERMINATE EXECUTORY CONTRACT
	Hearing Date: January 5, 2024 Time: 10:00 a.m. Courtroom: Telephonic

Zayo Group, LLC (“**Zayo**”), a Creditor of the above-referenced Debtor, and Movant in the pending Motion for Relief from the Automatic Stay To Terminate Executory Contract (Docket No. 307) (the “RS Motion”) filed yesterday, December 7, 2024, and respectfully moves this Court for an order expediting the hearing on the subject RS Motion from January 5, 2024, to this next coming Friday, December 15, 2023, and in support of this Motion, would state to this Honorable Court as follows:

1) Yesterday, Thursday, December 7, 2023, Movant filed its RS Motion based in-part on uncurable defaults by the Debtor under the subject Executory Contract, warranting and entitling Zayo to such relief. Today, Friday, December 8, 2023, at approximately 11:03 a.m. Central Time, the Court filed its “Notice Setting Telephonic Preliminary Hearing on Motion for Relief from Automatic Stay” (Docket Item 312), scheduling said telephonic hearing for January 5, 2024, at 10:30 a.m., Central Time.

2) Zayo asserts and would state to this Court that due to the facts stated, issues raised, and allegations asserted in the Motion, and supplemented by the separate Declaration of

Dwight Davis filed contemporaneously with this Motion, cause exists to expedite the preliminary hearing on the RS Motion from January 5, 2024, to December 15, 2023.

3) As more thoroughly detailed and stated in the RS Motion, and based in no small part on the Debtor's uncured and incurable defaults and breaches under the subject Executory Contract between the parties, Zayo would assert there is sufficient urgency to have the RS Motion heard by this Court at its earliest opportunity.

4) Since the filing of the RS Motion yesterday, and as more thoroughly detailed in the Declaration of Dwight Davis, Zayo is informed and believes and thereupon alleges that the statements of Debtor's Project Manager, Dennis Bruce has threatened that the Debtor is prepared to discontinue work on the project unless Zayo agrees to increased pricing and compensation different from what is provided for in the contract. Additionally, Zayo is informed, believes, and thereupon alleges that Debtor's failure to pay its subcontractors post-petition has resulted in threats by those subcontractors to file mechanics liens on the project and adjoining real property and improvements, resulting in potentially catastrophic damages to the project and relationship between the parties.

Therefore, Zayo would assert that sufficient cause exists for this Court to enter an Order expediting the January 5, 2024, hearing on the RS Motion to next Friday, December 15, 2023, and for such other and further relief as is just and equitable under the circumstances.

Dated: 12/11/2023

/s/ Jeffrey D Goetz
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CERTIFICATE OF SERVICE: This document was served electronically on parties who receive electronic notice through CM/ECF as listed on CM/ECF's notice of electronic filing.

/s/ Brenda Mozena